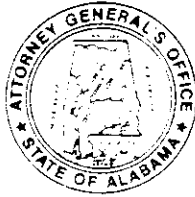


OFFICE OF THE ATTORNEY GENERAL ⁹¹⁻⁰⁰¹⁸³



JIMMY EVANS
ATTORNEY GENERAL
STATE OF ALABAMA

MAR 8 1991

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 242-7300

Honorable John Ed Roberts
Chairman
Walker County Commission
P. O. Box 1447
Jasper, AL 35501

Counties - County Employees -
Employees, Employers,
Employment - Sick Leave Bank

The Walker County Commission
has no authority to lend sick
leave to county employees.
However, the Walker County
Civil Service Board may
establish a sick leave bank to
be used by county employees
covered under the civil service
system.

Dear Commissioner Roberts:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

Is it permissible for the Walker County
Commission to lend sick leave, up to thirty
days, to a county employee who has no
accumulated sick leave and allow the
employee to reimburse the county once he
returns to work?

FACTS AND ANALYSIS

A county may only do those things which it is authorized by the Legislature to do. There are no state or local laws authorizing the Walker County Commission to provide sick leave loans to county employees. However, Act No. 200, Acts of Alabama 1969, p. 263, as amended, established a civil service system for Walker County. This system is to be administered by the Civil Service Board as provided in Sections 4 and 5 of the Act. Section 9 of the Act authorizes the Board to adopt rules and regulations regarding sick leave for employees covered by the system. Accordingly, the Civil Service Board and not the County Commission has the authority to determine policies regarding sick leave for Walker County employees.

Pursuant to the Civil Service Board's authority to make rules and regulations governing sick leave for county employees, it is our opinion that the Board could establish a "sick leave bank" to be used by the county employees. See opinion to Honorable Gary C. Sherrer, Attorney, Houston County, under date of September 25, 1989. The rules and regulations governing the use of the sick leave bank should apply equally to all employees. This office suggests that definite guidelines be established by the Board for determining the eligibility of employees to receive sick leave from the sick leave bank.

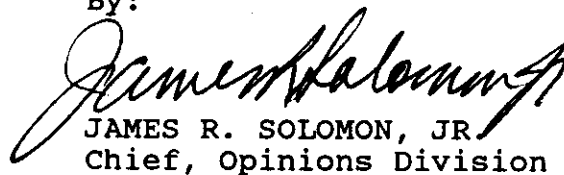
CONCLUSION

The Walker County Commission has no authority to lend sick leave to county employees. However, the Walker County Civil Service Board may establish a sick leave bank to be used by county employees covered under the civil service system.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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